

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

NATHANIEL DAVID CURRY,	:	
Plaintiff,	:	
	:	
v.	:	CASE NO.: 7:23-CV-30-WLS
	:	
WESTERN EXPRESS,	:	
Defendant.	:	
	:	
	:	

ORDER

Upon review of the docket in the above-styled matter, it appears that Plaintiff has not served the Defendant yet in this above-styled action. (*See generally* the Docket). The Federal Rule of Civil Procedure 4(m) requires that service of the summons and Complaint be made upon defendant within 90 days of the filing of the Complaint. But if service has not been accomplished within those 90 days, the Court, on motion or on its own after notice to the plaintiff, must dismiss the action without prejudice against that defendant or order that service be made within a specified time. Fed. R. Civ. P. 4(m). But if the plaintiff can show good cause for the failure, Rule 4 then requires the Court to extend the time for service for an appropriate period. *Id.*

Here, Plaintiff, proceeding pro se, filed his initial Complaint (Doc. 1) and a Motion for Leave to Proceed *In Forma Pauperis* (Doc. 2), which the Court granted. In granting Plaintiff's Motion to Proceed *In Forma Pauperis*, the Court also ordered Plaintiff to file an amended complaint if Plaintiff still wishes to proceed with the instant action because Plaintiff's initial Complaint (Doc. 1) primarily contained conclusory assertions. (Doc. 3). Accordingly, Plaintiff timely filed his Amended Complaint (Doc. 4) on March 15, 2024.

Ninety (90) days from March 15, 2024, would be Thursday, June 13, 2024. Thus, Plaintiff must serve his Complaint and summons upon Defendant by Thursday, June 13, 2024. However, as noted above, the docket does now show that service of summons and Complaint

has been made yet nor is there any indication that Plaintiff even attempted service on the Defendant.

In sum, because Plaintiff is proceeding pro se, the Court provides this notice to Plaintiff in accordance with Rule 4(m) and **INFORMS** and **INSTRUCTS** the Plaintiff to serve the summons and his Amended Complaint (Doc. 4) to Defendant in accordance with the Federal Rules by **Thursday, June 13, 2024**. Failure to properly serve the Defendant by Thursday, June 13, 2024, may result in the instant action getting dismissed without prejudice. Fed. R. Civ. P. 4(m).

SO ORDERED, this 1st day of May, 2024.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT